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ABSTRACT

In the wake of January 1988 takeover legislation to improve education in the State of New Jersey, this paper describes and justifies the strict state three-tier monitoring system of school district educational standards. School districts that need improvement after the first level of monitoring must develop an improvement plan to overcome their problems in the second level. If a school district cannot address its deficiencies in the second level, it moves into Level III where staff from the Department of Education's Division of Compliance conduct a preliminary review. Corrective action must follow state directives for improvement. Districts that do not take appropriate outcomes-oriented corrective action risk state takeover, as was the case in Jersey City. Ultimately, the State Board of Education decides for or against a takeover and may return the district to local control after 5 years, a decision based upon progress reports submitted by state-appointed superintendents. Once the state board reestablishes local control, the district's elected school board has the full authority to govern the school system. This process is justified on the grounds that the state has the resources to correct school district deficiencies that the individual districts cannot correct themselves. Indeed, the takeover law is "no more a threat to healthy schools than financial bankruptcy laws are to healthy businesses." (JAM)

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Intervention in Deficient School Districts:
Re-establishing Effective Local Control

Remarks by Dr. Saul Cooperman
New Jersey Commissioner of Education

I was invited here to discuss the recent takeover legislation in New Jersey. But, before I get to that, I'd like to share some of my thoughts about carrots, rather than a big stick. When I became Commissioner of Education in New Jersey, my approach was to improve our schools by motivating and assisting educators. I wanted to reform through incentives not regulation.

Seven years as Commissioner have not changed my belief in this approach. I still prefer the carrot to the stick. But I've also acquired a hard edge of pragmatism.

By early 1986, when I first proposed the school takeover plan to Governor Tom Kean, the state had already undertaken some 25 education reform initiatives. Very few of those 25 reforms are state mandates. Today, almost all of our 40 state education reforms in New Jersey are voluntary and incentive-based.

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I'd like to mention all of these programs, but time permits me to describe only a sampling. If you would like to learn about our other efforts, please give me your business card at the end of my remarks and I'll send you a booklet on New Jersey's major education reforms.

One important aspect of our voluntary reform agenda is that each program offers incentives to those who participate, but requires that they meet high standards. These examples will illustrate my point:

Almost 1,100 new teachers -- 20 percent of the state's new teachers in the past three years -- have been certified through New Jersey's alternate route. College-educated professionals who want to teach but lack training in pedagogy can become certified by receiving that training in a state-approved program during their first year in the classroom.

Through the alternate route, the state was able to eliminate so-called emergency teaching certificates that, for more than 50 years, allowed almost anyone to teach in New Jersey. Alternate route teachers must meet all certification requirements, which have also been strengthened.

The same year the alternate route began, the state adopted -- and provided funds for -- a minimum teacher salary of \$18,500. Prior to the enactment of that law, the average starting teacher salary in New Jersey was only \$14,200; today it is more than \$21,000.

Thus, by combining the incentive of better pay with a voluntary alternate certification program and higher certification standards, we are increasing both the quality and quantity of new teachers in the state.

New Jersey also has created voluntary programs for the teachers already working in our classrooms. In 1985, the state created the

Academy for the Advancement of Teaching and Management, a professional development center for educators that was the first of its kind in the nation. Among the 6,000 educators trained at the academy are local staff development leaders. Their training enables them to help local educators sharpen their professional skills.

Other voluntary programs focus on school-based improvement. Just last month, we awarded grants to 30 schools -- 22 of them urban schools -- to help them develop effective parent involvement programs.

Through another voluntary program targeted to urban schools, 10,000 students who may not otherwise complete high school now have an incentive to stick with it. They'll have good jobs when they graduate, guaranteed. The schools will place these graduates in entry-level jobs in the next four years -- jobs that can be the start of meaningful careers. But, to qualify, the students have to meet attendance, academic and citizenship standards. And the incentive of a good job is working: Kids who didn't see much reason for coming to school are now arriving early or staying late to master the employability skills training required in this program.

* * *

Based on this sampling of the voluntary programs begun in New Jersey -- the carrots -- you may wonder how we ever contemplated taking over a school district. Why did we ultimately reach for the stick?

One of my responsibilities is to see that districts comply with laws and regulations in areas ranging from pupil transportation to special education. And I must confront the question of what to do when a district doesn't comply.

This was the case with the takeover issue. In 1975, the New Jersey Legislature passed a public school education act defining the standards of the "thorough and efficient" system of free public schools guaranteed to all students by the state's constitution. A process was begun in 1977 for annually monitoring school districts to assess whether they met these standards. The vast majority earned state certification.

However, by the time I became Commissioner in 1982, some districts had failed five straight years to meet certification standards. The following year, the State Board of Education revised the monitoring process so that districts would be evaluated every five years, rather than annually. This allowed districts that met the standards to pursue educational excellence, unhampered by frequent monitoring. It also gave districts that were below standards more time to correct their deficiencies. And it allowed the department to focus more resources on helping deficient districts.

By 1984, a few districts had still not met basic standards. We had to ask ourselves, "Are they unable or unwilling?" Would the efforts currently under way in these districts enable them to reach the basic level of a thorough and efficient school system? Or were the schools so fundamentally flawed that improvement would be remote?

I had two options. First, I could allow more time and offer more assistance, or, second, I could confront the possibility of some kind of "educational bankruptcy."

If I pursued the route of declaring educational bankruptcy, there had to be a fair and systematic process that would lead to that drastic action. And then, if a district was deemed educationally bankrupt, what would be the consequences? My staff and I worked several

months shaping a proposal that we thought would be fair to everyone — the state, the district and the children in the district.

The result of this deliberation is a three-level system of monitoring school districts, in which state scrutiny is increased at each level. If, after three levels of monitoring, a district has not made reasonable progress toward achieving state standards, state intervention can occur.

* * *

New Jersey's takeover plan was introduced in the legislature in June 1986. After 18 months of debate in both houses, it was signed into law in January 1988.

The essence of the plan is a three-level monitoring process that assesses the educational credentials of New Jersey schools — and can lead to a takeover. Districts are evaluated in 10 essential areas. These include curriculum and instruction, staff, student attendance, basic skills, mandated programs, planning and financial management. The district's facilities, its relationship with the community and its equal educational opportunity policies are also evaluated.

If a school system fails the first level of monitoring, it must develop an improvement plan to overcome its problems in the second level. After completing the first five-year cycle of monitoring, more than 90 percent of New Jersey's 583 districts were certified.

If a district is not able to address its deficiencies and earn certification in the second level, it moves into Level III. At this stage, a team of educators from outside the district, and staff from the department's Division of Compliance, conduct a preliminary review. The purpose is to determine what the district must do to achieve state

certification. This team presents a series of findings and directives to the district.

The next step involves a corrective action plan based on the preliminary review. One of the first school systems in the state to enter third-level monitoring overcame its deficiencies by implementing state directives. Problems were addressed in school/community relations, curriculum, professional staff and special education.

In another Level III district, the threat of takeover has enhanced public support for education: The community approved a sorely needed school construction referendum that was previously defeated in vote after vote.

The success of these districts illustrates that Level III monitoring doesn't have to result in takeover. State intervention is reserved for a school system that has not provided, and apparently cannot provide, an effective educational opportunity for its children.

If the preliminary review in Level III determines that a district's problems are so severe that corrective action probably would not be effective, the department launches a complete examination of the system: its governance, finances, personnel and educational programs. This comprehensive compliance investigation is conducted by department staff and external auditors and investigators. Based on their findings, the department can order the district to demonstrate why it should not be taken over and operated by the state.

This step has been taken in only one case -- in the Jersey City Public Schools, the state's second largest school district, with almost 30,000 students. About 95 percent of Jersey City's students are minority, and their basic skills test scores are among the lowest in the

state. The district has severe problems in areas such as governance, curriculum, personnel, finance and maintenance.

If a district chooses to contest this "show cause order," as Jersey City has done, an administrative law judge hears both sides and submits his opinion. Ultimately, the State Board of Education decides for or against a takeover. If the state board affirms a takeover recommendation, it would issue an administrative order creating a state-operated school system. Its decision can be appealed through the courts.

In a state-operated district, many of the ordinary rules for running a school system are in abeyance:

- * First, the local board, superintendency, and central office positions responsible for curriculum, personnel and business are removed.
- * Second, a state district superintendent is appointed to manage the district. In anticipation of prevailing in court regarding the Jersey City schools, we are now conducting a national search for an effective administrator to operate that district.
- * As I mentioned, the current board of education is removed. Within 60 days of a takeover, a new 15-member local school board is established to advise the superintendent. The new board has no decision making powers. Thirteen board members are appointed by the Commissioner and two by the municipal governing body.

- * In the first six months of a takeover, the superintendent must reorganize the central office. Furthermore, all K-12 supervisors and directors will be retained or dismissed based on a six-month analysis by the superintendent.
- * Within the first year, all of the district's building principals would be evaluated by a team of supervisors. Those believed to be less than competent will have tenure charges brought against them.

During the state's operation of a district, the new advisory school board would meet monthly with the superintendent. At least twice per year, the board would report to the Commissioner in writing on the progress made toward certification. The superintendent would submit his or her assessment to the Commissioner annually.

In the fourth year of takeover, a nine-member school board would be elected from among the appointed advisory board. The elected board would have decision making authority, but the state district superintendent would retain veto power over the board's actions. Finally, at the end of the fifth year of takeover, the Commissioner can recommend that the State Board of Education re-establish complete local control. This recommendation would be based on the annual progress reports submitted by the superintendent and on the district's ability to meet certification standards.

However, if local control is not recommended, the Commissioner must report to the Governor, the legislature and the State Board of Education on the reasons the district has not met state standards. This report would also assess the amount of time the state would need to continue operating the district. Based on the report, the state board

would determine whether to continue the state-operated school district or return the district to local control.

Once the state board re-establishes local control, the district's elected board has full authority to govern the school system. The elected board could then decide whether to keep the central office intact or hire new people, including a superintendent. If, at the end of the takeover, the board chooses to replace central office staff, the state-appointed administrators would continue to serve for a one-year transition period.

* * *

Takeover does not threaten responsible local control of schools. It is reserved for extreme cases in which a district has reached a state of decay that is analogous to the failure of a bankrupt business. The takeover law is no more a threat to healthy schools than financial bankruptcy laws are to healthy businesses. And, if a troubled district demonstrates reasonable progress toward correcting its deficiencies, the state will allow it to continue working toward certification.

If the problems of a district are so severe that the state assumes control, the state will operate the district only until effective local control can be restored. The state's primary role is not to educate children, but to assure that New Jersey's districts and schools educate children.

We must assure that the "thorough and efficient" schools provision of our state constitution is met. And the best way to achieve lasting improvement in a deficient school district is to establish responsible local control. Our approach is, perhaps, best described by

- 10 -

the saying that if you give a man a fish, he eats for a day. Teach him to fish, and he eats for a lifetime.

We must ensure that our school districts are self-sufficient for their lifetime.

We owe it to our children.

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